

2025:PHHC:067109



224.

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-10554-2025

Date of decision: 19.05.2025

Raghuvir Prashad

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. J.P. Sharma, Advocate, for the petitioner.

Mr. Yuvraj Shandilya, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Fresh *vakalatnama* on behalf of the petitioner with No Objection from the earlier, has been filed in Court today, which is taken on record.

1. The petitioner is seeking the concession of anticipatory bail, under Section 482 of BNSS, 2023, in FIR No.0056, dated 06.02.2025, under Section 21(b) of NDPS Act, 1985, registered at Police Station City Narnaul, District Mahendargarh.

2. This Court, while issuing notice of motion on the previous date of hearing i.e. 24.02.2025 and granting interim protection to the petitioner, had directed him to join the investigation. The said relief was granted

primarily on the basis of submissions advanced by learned counsel for the petitioner, which, *inter alia*, including the following assertions:-

“Learned counsel for the petitioner *inter alia* contends that a false case has been planted upon the petitioner, who although is a partner in a chemist shop, of having illegally stored 6.4 grams of Tramadol (intermediatory quantity). Learned counsel has asserted that the recovered contraband was not even made from inside the chemist shop of the petitioner but was found to be lying on the street adjoining the shop and, therefore, there was no evidence to connect the petitioner, much less his chemist shop, with the alleged recovery.

On a pointed query put to the learned counsel for the petitioner as to whether the petitioner has any criminal antecedents, she has categorically replied in the negative.”

3. Today, learned counsel for the petitioner has urged that, having duly complied with the earlier directions of this Court by joining the investigation, the interim bail granted to the petitioner may be confirmed and made absolute.

4. In compliance of order dated 24.02.2025, learned State counsel has filed reply by way of affidavit dated 13.05.2025 of Suresh Kumar, HPS, Deputy Superintendent of Police, Narnaul, District Mahenagarh, on behalf of respondent-State, in Court today, which is taken on record subject to all just exceptions. A copy thereof has been supplied to the counsel opposite.

5. Learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has drawn the attention of this Court to several material facts which are detailed in the affidavit which has been filed in the Court today. It has been pointed out that contrary to the submissions made on the previous date of hearing, the recovery in question

i.e. 128 capsules of tramadol, was effected from within the premises of the chemist shop co-owned by the petitioner, and not from the street outside as was earlier claimed.

6. It has been further submitted that no supporting invoices or billing documentation were provided to justify possession of the recovered contraband, thereby clearly suggesting illegal storage and sale of the banned substance without valid authorization.

7. Learned State counsel, on further instructions, has submitted that during the investigation, including the interrogation of co-accused, Virender Kumar (salesman at the chemist shop of the petitioner), it has emerged that the petitioner, being the proprietor, was selling the banned substance at twice the printed price.

8. It has been submitted that it is, thus, evident that not only was the contraband recovered from within the chemist shop of the petitioner, but the submissions made earlier before this Court regarding the place of recovery and absence of involvement of the petitioner were factually incorrect and misleading.

9. I have heard learned counsel for the parties and perused the material placed on record.

10. In light of the above revelations, this Court finds that the interim protection granted to the petitioner was obtained on the basis of the material facts not being correctly put forth before this Court. The recovery of contraband substances from within the licenced premises of the

petitioner, coupled with the absence of supporting documentation and the statements recorded during investigation, prima facie hint towards the petitioner's involvement in the illicit sale of banned drugs.

11. The principles governing grant of bail, particularly in matters involving contraband under the NDPS Act, mandate a high degree of scrutiny, especially when factually incorrect submissions are advanced before the court.

12. In view of the foregoing discussion, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner.

13. Present petition stands dismissed accordingly.

14. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

May 19, 2025
sanjeev

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No